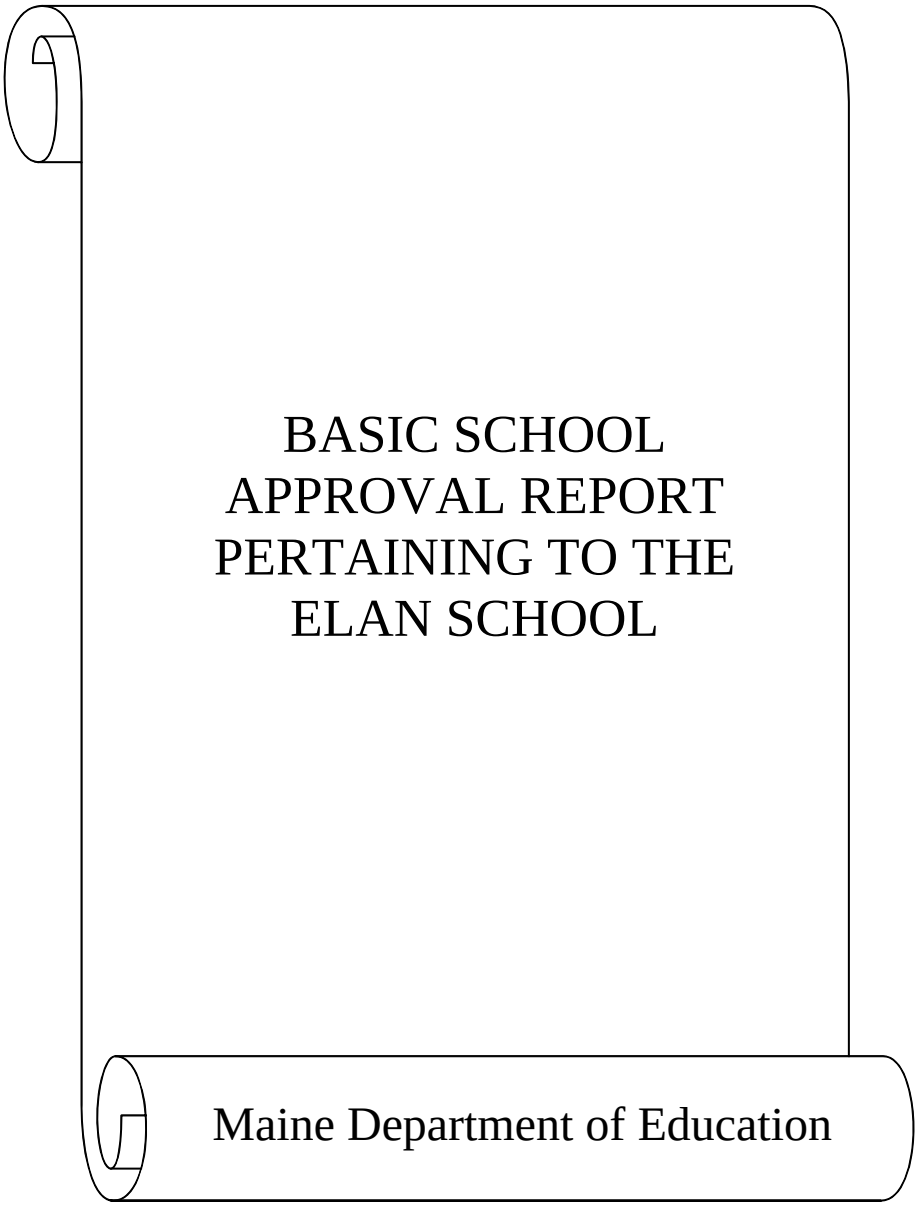


BASIC SCHOOL APPROVAL REPORT PERTAINING TO THE ELAN SCHOOL

Maine Department of Education

Compiled by:
Edwin N. Kastuck, Ph.D.
Special, Prevention, Elementary and Secondary Education
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THIS REPORT CONTAINS INFORMATION PERTAINING TO A BASIC SCHOOL APPROVAL REVIEW CONDUCTED AT THE ELAN SCHOOL. IT DOES NOT CONTAIN CONFIDENTIAL INVESTIGATIVE INFORMATION PERTAINING TO SPECIFIC ALLEGATIONS MADE BY FORMER ELAN STUDENTS

INTRODUCTION

On June 19 and July 8, 2002, the Commissioner of Education, J. Duke Albanese, dispatched a School Approval Team to the Elan School. This is a State of Maine approved special purpose private school located in Poland, Maine. The purpose of the visitations was to determine program compliance with Chapter 125 Basic Approval Standards (as applicable to a special purpose program through the operation of Chapter 101), and Chapter 33 Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools. The Team also met with members of the Elan School administrative team on August 5, 2002 to review a draft of the Elan School Policy pertaining to the use of wrist and ankle protective devices. Although at the time of the Team's review, a number of allegations had been discussed in the press regarding events at Elan during the 1970s, 1980s, and 1990s, the focus of the Team's review was on the issue of program compliance as the Elan program is operated at the present time.

The School Approval Team was comprised of the following Department of Education staff members:

Edwin N. Kastuck, Ph.D., Team Chairman, Learning Systems Team
Rose Mary Muir, Esq., Certification Legal Consultant
David N. Stockford, Director, Division of Special Services

The format for the onsite visitations included the following:

1. A tour of the facilities;
2. A review of the Elan School policies, practices and procedures;
3. Private interviews with the Elan School administrators, teachers, staff, parents, students and an alumnus.
4. A telephone interview was also conducted with the school nurse.

A total of 37 people participated in the review.

The following commendations, findings, recommendations and requirements represent the unanimous positions and conclusions of the School Approval Team.

COMMENDATIONS

The School Approval Team commends:

1. The Elan School administration, faculty, staff, students and parents, who, without exception, were cordial, cooperative and forth coming with all information requests and responses to interview questions;
2. The members of the Elan School community who expressed a strong commitment to the education and well being of the students in the program;
3. The administration, teachers, and staff for their strong support and participation in the expansion of the athletic program at the Elan School because of the positive impact that the program has upon affective learning and for the plans to increase student participation by providing sports activities that are new to the program;
4. The educators at the Elan School for their commitment to individualized educational programming and a high degree of academic accountability;
5. The program staff for their facilitation of family groups and student groups;
6. The program for the documentation and record keeping regarding student needs, requests and behavior incidents including parental notification that exceeds current state regulations or Department of Education requirements;
7. The Elan School administration for creating increased opportunities for student interaction with their families;
8. The Elan School administrators for their willingness to explore and expand student participation in community based opportunities such as sports, field trips, and student participation in post secondary courses on college campuses and through distance learning;
9. Everyone who participated in the making of the Elan School promotional CD Rom and the overall new initiative to provide informational resources in order to increase awareness about the program.

FINDINGS

1. There was no indication that students enrolled in the Elan School are placed at risk for their safety or well-being.
2. There was no indication that any families or any other placement agencies have removed their children from the program based upon their concern for the safety or well being of their child or client. The reasons students leave the program include graduation from high school and the house program, graduation from high school and the placing school unit will not continue to provide funding for the house program, and eighteen (18) year old students who sign themselves out of the program.
3. It was reported by the Elan administrative team and in the interviews that since at least October 2000, the Elan School no longer employs the use of the “Ring”, where students were subjected to boxing fights with other students as a part of a system of student discipline. An example of how the Elan School currently addresses student discipline issues, is a student court system that examines incidents and determines consequences. The outcome from the student court system is that students are required to perform community service on the campus as a way to atone for misdeeds or inappropriate actions. Student issues are also examined in an adult supervised peer mediation process.
4. The present policy of the Elan School states that wrist and ankle protective devices are available for use only in situations when students may injure themselves or others. In any case, the program psychologist must authorize the use. The Elan administrative team has

submitted a draft amended policy that addresses the Department of Education's concerns regarding the use of the wrist and ankle protective devices.

5. Although there have been specific allegations regarding the excessive use of restraints and use of the "Ring" in the several years prior to October 2000, the Department of Education, after conducting a thorough investigation, cannot substantiate the allegations.
6. The year round education program includes up to six (6) hours of instructional time, Monday through Friday. This exceeds the instructional day requirement of five (5) hours contained in Chapter 125 Rules Governing Basic School Approval. It should be noted, that the average student enrollment period in the Elan School is two and one-half (2.5) years. In total, the education program exceeds the state instructional day (5 hours per day) and instructional year (175 days) requirements.
7. The education program staff is involved in a comprehensive review and update of the curriculum and assessment process at the Elan School.
8. Students have daily opportunities to express their needs and concerns through the daily log system and other lines of communication.
9. Due to the geographic composition (from several states and countries) of the student body, the program is required to meet the educational and other programming needs from a number of states and institutions besides Maine.
10. The application of technology in systems management and instruction is very limited.
11. The science coursework does not provide adequate laboratory experiences for the students.
12. Formalized professional development plans for the staff and teachers do not exist.
13. Although all new students are provided with an orientation program and a student mentor, when this review was conducted there was no student handbook, a written set of rules and regulations or a student code of conduct.
14. There is no handbook for the residential staff.

REQUIREMENTS

1. The Elan School administrators shall agree to meet with the School Approval Team within thirty-days (30) of the issuance of this report to present a set of written policies and procedures pertaining to Chapter 33 and other campus policies and procedures pertaining to student programming and discipline. **NOTE: Since the on-site review, the Elan School administration has submitted a draft of the Elan Student Handbook and has agreed to submit additional policies and procedures within the thirty-day (30) requirement.**
2. The Elan School administrators shall agree not to use the wrist and ankle protective devices except in extreme situations when a student is in danger of injuring themselves or others. In the event that the devices are used, during the next six months, the school will notify the Department of Education of the use. The administrators shall also continue to explore alternative therapeutic restraints and their applicability and appropriateness to the Elan School program. **Note: Since the on-site review, the Elan administration has submitted a draft amended policy that addresses the Department of Education's concerns regarding the use of the wrist and ankle protective devices.**
3. Except as provided by Title 20-A M.R.S.A. Section 4009, individuals who implement or supervise the implementation of therapeutic restraints shall have successfully completed an appropriate training program in the identification and de-escalation of potentially harmful behaviors and the safe use of passive physical therapeutic restraints.

4. The Elan administration shall affirmatively represent that the school has not used the "Ring" since at least October 2000, and that it will not be used. **Note: The Department of Education and the Elan School agree that use of the so-called "Ring" would be a violation of Chapter 33. The Department of Education did not substantiate individual allegations concerning use of the "Ring" and excessive use of mechanical restraints in the several years prior to October 2000. Nevertheless, the Elan School has agreed to comply with these requirements, and to submit these representations and revised policies and procedures to provide additional assurance that inappropriate uses will not occur.**
5. The Elan School administration shall submit in writing to the Commissioner of Education, J. Duke Albanese, agreement to immediately comply with items 1-4 of this section.

RECOMMENDATIONS

1. Although there is no statutory requirement or regulation, it is advisable that all schools should develop a student handbook that includes a student code of conduct. Therefore, the Elan School should plan to develop a student handbook (per Title 20-A M.R.S.A. Section 1001, subsections 15,16,17,18) in order to have the handbook available for students by the fall of 2002. The student handbook should also include a student code of conduct. **Note: As indicated in the requirements section item 1, of this report, since the on-site review, the Elan School administration has submitted a draft of the Elan Student Handbook.**
2. Professional development plans for the Elan School administrators, teachers and staff should be developed. To do so will require the creation of a Professional Development System that includes representative participation from all the stakeholder groups on campus. The system should include a process for identifying and approving requests for personal and cohort group professional development needs. Sufficient financial resources should be allocated for the campus wide professional development system.
3. A technology plan should be developed which includes the application of new technologies to program management and classroom instruction. The plan should include the utilization of computers, instructional software, laboratory simulation software, videotapes and DVDs, computer networking on campus, distance learning, inter-library networking and other appropriate technology applications. The use of computer simulation software in science lab coursework could enable students to acquire science skills in a safe format. The technology plan should also include the development of a set of policies and procedures for supervised student access to the Internet. A campus wide Internet access policy should also be included in the technology plan.
4. As moving on to higher education becomes a major focus for the students, administrators and educators at the Elan School should assess student readiness for post secondary experiences and utilize the results of the assessment to develop and adjust the curriculum, instruction and assessment. Research skills is one area that warrants attention.
5. As the athletic program grows and develops at the Elan School, the construction of an up-to-date sports facility should be explored. The facility could be designed for multiple uses including the performing arts.
6. The Elan School administrators should open discussions with the Judicial Department, and the Departments of Corrections and Human Services, regarding the placement of youths who might be better served in the Elan program.

7. The Elan School should annualize the graduation data including the postsecondary plans of the graduates.
8. A handbook of policies, practices and procedures should be created for use with the residential staff. This should also include the information contained in the student handbook and the student code of conduct.
9. The Elan School should seriously consider the installation of centralized climate control systems in the residential houses.

CONCLUSION

The work of all schools in Maine is work on behalf of children. All parties associated with the Elan School, including the Department of Education, recognize that the needs of the students enrolled in the Elan School are unique and extremely challenging. The Elan School was found to have a strong commitment to the education and well being of the students and there was no indication of any student being at risk. Individualized educational programming and a high degree of academic accountability were found to be a significant part of the program. The staff's facilitation of family groups and student groups is one of the many positive aspects of the program.

The Department of Education does impose several requirements on the Elan School to provide revised policies and formal representations regarding various aspects of the school program, use of restraints, and disciplinary procedures, in order to provide further assurances that the School's practices are consistent with applicable laws and regulations. The Elan School has complied or is already in the process of complying with these requirements. The Department of Education will conduct regular follow-up visitations to the Elan School to assure compliance with the Requirement section contained in this report and with the requirements of basic school approval. The Department of Education will continue to work with the Elan School's administration, faculty, staff, students, and parents, who, without exception, were cordial, cooperative and forthcoming with all information. It is imperative that all Elan School administrators, faculty, staff, and the Board of Directors, move forward with respect and cooperation, championing the needs and general well being of the students enrolled in the Elan School.

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